

1 examining the cards to locate the marking, and (3) electronically displaying the value.

2 (NEW CLAIM) 51. The method of claim 38 wherein the step of preparing further comprises  
3 marking cards with at least two colors; and wherein the step of accepting further comprises the  
4 step of accepting wagers on the occurrence of a particular number or a group of numbers or a  
5 color.

6 **REMARKS:**

7 **PRIOR ART REJECTIONS:**

8 Scarne teaches the basic game of craps from a multi card deck. The Scarne game has the  
9 problems which are corrected by the current invention.

10 In the Scarne game, a random result is not easily obtained since the deck is dealt out  
11 completely. In order to more fully randomize the result, the present invention reshuffles a deck,  
12 through the random selection of a card from a deck having all possible results in equal  
13 probabilities at each deal.

14 In addition, a second randomizing event, the selection of a card in one location,  
15 particularly where the location may be pre-approved before the cards are dealt, ensures player  
16 control which is not present in the randomizing method of Scarne.

17 Robinson teaches playing roulette where a machine deals cards which represent roulette  
18 wheel outcomes with both numbers and colors.

19 Aldridge discloses a method of combining card memorization with statistical  
20 probabilities. Therefore, Aldridge dealing techniques are the opposite of the techniques  
21 embodied in the present application which seeks to provide a completely random result, identical  
22 to that generated by a fair dice roll, utilizing cards. It allows the user the 'sense' of control or the  
23 allusion of control, by allowing the player to pick the location from which the cards will be

1 selected. This improvement allows the player to get away from the impression that the dealing  
2 machine has complete control over the outcome, the machine presumably not being able to sense  
3 the locations selected by the user. In this respect, the dealing mechanism disclosed in Aldridge  
4 suffers from one of the problems of Scarne which is to foreclose random play of craps in the  
5 traditional sense.

6 **The present patent:**

7 There are several factors which dictate against the position taken that the prior art renders  
8 the present invention non-novel or obvious. In taking this position I accept for the sake of  
9 argument the concept that an expert with all of the art before him is to make this determination.

10 As such, experts have spent the last 10 years with these two separate technologies before  
11 them with a great demand for product substituting cards for dice due to pressing legal concerns in  
12 states such as California where card games are allowed, but not games with dice. In all of these  
13 jurisdictions at all major casinos, dealing machines performed on a daily basis.

14 Also, dice provide something less than perfect outcomes for houses.

15 The present invention may seem to only apply something in one part of casino, dealing  
16 machines, to something in another part, dice games, but the results are not suggested by the  
17 tremendous psychological barrier between the two parts of the gaming floor, separated as they  
18 are into slots, dice games and card games (and the card games separated further).

19 The shuffling technology provides the following unexpected and greatly needed results  
20 over and above dealing by hand:

21 1) the modern shuffling equipment provides true random number generation vs the less  
22 accurate hand dealing;

23 2) the modern shuffling equipment allows the play of the dice games with greater

1 efficiency and speed. These efficiencies include continuous dealing with multiple decks and  
2 random selection within a stack of cards (not just the top two cards, for example, but instead  
3 cards from any random location within a group of cards within multiple decks).

4 3) The shuffling machines allow for continuous play more in line with traditional dice  
5 games because of the better flow.

6 4) The shuffler allows for the number of hands per hour to be comparable to dice dealing  
7 which is not achievable with cards.

8 5) Also, the shuffler combines these benefits without the effect that dice have on the table  
9 which is disruptive due to the movement of the dice on the table.

10 These benefits were not previously recognized and required significant modification of  
11 the table to allow for the play to be continuous. The present invention includes these table  
12 modifications which make this type of invention possible. The alteration of table layouts is not  
13 an easily undertaken project and there is significant play factors which have to be overcome to  
14 allow this.

15 While these technologies have existed separately in the past, their combination today is  
16 no more obvious than the combination of the slots in slot machines with table games, such as is  
17 found with CARRIBEAN POKER and patentable combinations provided thereby such as is  
18 found with LET IT RIDE.

19 In short, the present invention combines two technical disclosures, both well known, but  
20 without any prior suggestion of practicing these together. In addition the layouts provide  
21 methods of play which could not be envisioned without the initial spark of recognizing the non-  
22 obvious combination which has never been done to my knowledge.

23 The present invention has two primary improvements over the prior art. First, it uses

1 modern dealing techniques to allow the game to be played quickly and efficiently with the deal  
2 being controlled by automated equipment and not an individual. While card dealing machines  
3 for dealing different numbers of cards are well known and extensively used in the art, it is  
4 submitted in light of the failure of the prior art to use automated machines in a card-dice  
5 replacement application, which is otherwise in demand (Scarnes), that it was not obvious  
6 otherwise. (Claim 2 as amended to clarify this compared to hand dealing) Further, this invention  
7 utilizes a randomizing technique to select two cards from a plurality of decks present in these  
8 machines. This would allow the deck shuffling to be replaced by a randomizing algorithm  
9 within the machine. (Claim 13)

10 The second improvement, not shown in Scarnes, as clarified in Claims 11 and 18, is to  
11 allow the player to confront the possibility of card manipulation. This is done by providing the  
12 player with a location where he selects which of a plurality of cards will be used for each roll.  
13 This allows the dealing equipment to deal at random, but for the card dealt at random to a  
14 particular location to be pre-selected by the player. Therefore, unless the machine knows what  
15 location is selected by the layer, there possibility of manipulation is eliminated. This is  
16 distinguished from the games of skill discussed as this is a randomizing technique whereby both  
17 a player and dealer can randomize the same deal. This can be compared favorably to other  
18 techniques used, albeit for entirely different purposes, such as Squitieri (6,070,872) which  
19 randomly selects from a plurality of cards, but does so using dice which defeats much of the  
20 purpose of replacing cards with dice or Robinson (5,961,384) which selects outcomes with dice.  
21 The same can be said of other card-dice combination games such as Astaneha (6,302,295).

## 22 **CONCLUSION**

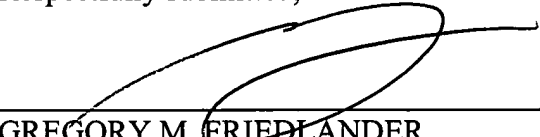
1 In view of the above, Applicant respectfully submits that no *prima facie* case of  
2 anticipation or obviousness exists and that the application is in condition for allowance.  
3 Applicant respectfully request the withdrawal of all rejections set forth under 35 U.S.C. 102 and  
4 35 U.S.C. 103 and allowance of this application.

5 **AUTHORIZATION**

6 The commissioner is authorized to charge any additional fees required for the filing of  
7 this RCE and give credit for any over payment to deposit account 06-2129 in the name of  
8 Gregory M. Friedlander. The commissioner is hereby authorized to charge any additional fees  
9 which may be required for this amendment, or credit any overpayment to Deposit Account 06-  
10 2129 in the name of Gregory M. Friedlander.

11 In the event that an extension of time is required, or which may be required in addition to  
12 that requested in a petition for an extension of time, the Commissioner is requested to grant a  
13 petition for that extension of time which is required to make this response timely and is hereby  
14 authorized to charge any fee for such an extension of time or credit any overpayment for an  
15 extension of time to Deposit account 06-2129.

16 Respectfully submitted,

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